

REMARKS

Claims 64-162 are pending in the application and are allowed. The disclosure and claim 136 are objected to.

Specification

The specification is objected to because it does not contain text indicating the present application is a continuation of a prior-filed U.S. application.

Applicants respectfully traverse the objection to the specification because the required information to claim domestic priority was provided in an Application Data Sheet (ADS) submitted with the application when it was filed. Specifically, 35 C.F.R. 1.77(b)(5) states the following:

Domestic priority information. This information includes the application number, the filing date, the status (including patent number if available), and relationship of each application for which a benefit is claimed under 35 U.S.C. 119(e), 120, 121, or 365(c). **Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification** (emphasis added).

This is reiterated in ¶ 2.12 of MPEP § 201.11, which reads in part as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of [sic, or] in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

A copy of the ADS as originally submitted is enclosed. A second ADS is also enclosed that conforms to the current ADS format specification.

Claims

Claim 136 is objected to because "choosing" is misspelled.

In response, Applicants amend claim 136 to correct the spelling.



CONCLUSION

Applicants amend the application and request reconsideration in view of the discussion set forth above.

Respectfully submitted,

David N. Lathrop
Reg. No. 34,655
601 California St., Suite 1111
San Francisco, CA 94108-2805
Telephone: (415) 989-8080
Facsimile: (415) 989-0910

Certificate of Mailing Under 37 CFR 1.8

I certify that this Response to Office Action and all enclosed materials are being deposited with the United States Postal Service on March 30, 2004 with sufficient postage as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450..

David N. Lathrop

Enc. Application Data Sheet as originally filed
Application Data Sheet conforming to the current format specification